

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Althea N. Shynes

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jack M. Bernard, 1930 Land Title Building, Phila., PA 215-665-0666

DEFENDANTS

City of Philadelphia; P/O Sylvester Johnson; P/O Richard Cudjik

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Margaret Fenerty

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sec 1983

Brief description of cause:
Civil Right Violation under 42 U.S.C. Sec. 1983

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

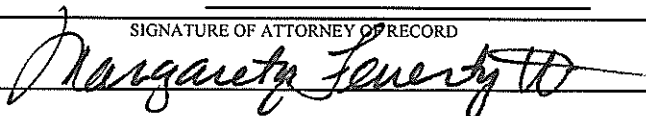
JUDGE

DOCKET NUMBER

DATE

10/19/2010

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Althea N. Shynes
1215 West Tioga Street
West Lawn, PA 19140

Civil Action

NO: _____

Plaintiff

V.

Formerly

City of Philadelphia, et al
1515 Arch Street
Philadelphia, PA 19102

Court of Common Pleas
Philadelphia County
Trial Division – Civil
June, 2010
No. 3933

Defendants

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.

Pursuant to 28 U.S.C. § 1441, defendants, City of Philadelphia, P/O Sylvester Johnson, and P/O Richard Cudjik (hereinafter “petitioners”) through their counsel, Margaret Fenerty, Senior Attorney, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. In June 2010, plaintiff initiated this action by a Complaint in the Court of Common Pleas in Philadelphia, June 2010, No. 3933. (Exhibit A - Complaint).
2. On July 7, 2010, said Complaint was served on Petitioners at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.
3. Plaintiff alleges that on July 2, 2008, she sustained damages when her civil rights were violated by the defendants. (Exhibit A).
4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff’s Complaint contains allegations of violations of the plaintiff’s Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

Wherefore, petitioners, City of Philadelphia, respectfully request that the captioned

Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Craig M. Straw
Chief Deputy City Solicitor

A handwritten signature in black ink, appearing to read "Margaret Fenerty", with a stylized flourish at the end.

Margaret Fenerty, Esquire
Senior Attorney
Attorney I.D. No. 39409
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5391

Date: 10/19/2010

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Althea N. Shynes
1215 West Tioga Street
West Lawn, PA 19140

Civil Action

NO: _____

Plaintiff

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City of Philadelphia, et al
1515 Arch Street
Philadelphia, PA 19102

Court of Common Pleas
Philadelphia County
Trial Division – Civil
June, 2010
No. 3933

Defendants

NOTICE OF FILING OF REMOVAL

TO: Jack M. Bernard, Esquire
1930 Land Title Building
100 South Broad Street
Philadelphia, PA 19110

PLEASE TAKE NOTICE THAT on October 19, 2010, defendants, City of Philadelphia, P/O Sylvester Johnson, and P/O Richard Cudjik, filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



Margaret Fenerty, Esquire
Senior Attorney
Attorney I.D. No. 39409
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Althea N. Shynes
1215 West Tioga Street
West Lawn, PA 19140

Civil Action

NO: _____

Plaintiff

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City of Philadelphia, et al
1515 Arch Street
Philadelphia, PA 19102


Court of Common Pleas
Philadelphia County
Trial Division – Civil
June, 2010
No. 3933

Defendants

CERTIFICATE OF SERVICE

I, Margaret Fenerty, Senior Attorney, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

TO: Jack M. Bernard, Esquire
1930 Land Title Building
100 South Broad Street
Philadelphia, PA 19110


Margaret Fenerty, Esquire
Senior Attorney
Attorney I.D. No. 39409
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5391

Date: 10/19/2010

Exhibit “A”

LAW OFFICE OF JACK M. BERNARD

By: Jack M. Bernard, Esquire

Attorney I.D. No. 26643

1930 Land Title Building

100 South Broad Street

Philadelphia, PA 19110

(215) 665-0666

(215) 514-8609 (Facsimile)

jackbernard@verizon.net

Attorney for Plaintiff

ALTHEA N. SHYNES

vs.

CITY OF PHILADELPHIA. et al.

:
:
:
:
:
:

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

JUNE TERM, 2010

NO.: 3933

AMENDED COMPLAINT

1. This action arises under the Constitution of the United States, Fourth and Fourteenth Amendments, the Constitution of the Commonwealth of Pennsylvania, Declaration of Rights and Title 42 United States Code, Section 1983.

2. Plaintiff, Althea Shynes is an adult residing at 1215 West Tioga Street, Philadelphia, Pennsylvania. Plaintiff has a speech impairment due to multiple sclerosis, but she is able to testify if given additional time to form thoughts and sentences.

3. Defendant, City of Philadelphia is a City of the First Class, with offices at 1515 Arch Street, Philadelphia, Pennsylvania.

4. Richard Cudjik is a police officer, Badge No. 3262, employed by the City of

Philadelphia.

5. Sylvester Johnson was the Police Commissioner of the City of Philadelphia at all times material to plaintiff's causes of action alleged hereafter, and as such he supervised the activities of police officers, including officer Cudjik.

6. Defendant, "Jane Doe", subsequently identified as Corporal Palma, Badge No. 8195 is also a police officer supervised by Commissioner Sylvester Johnson. In order to confirm the identity of the defendant previously called "Jane Doe", plaintiff served the following Request For Admission upon Craig Straw, Esquire, Chief Deputy City Solicitor on September 2, 2010, to wit: Do you admit that Corporal Palma, Badge No. 8195 is the same person described in the Complaint as "Jane Doe"? There was no response to the Request For Admission within the time permitted by the Rules of Civil Procedure.

7. On July 2, 2008, defendant Cudjik arrested Pierre Shaw, plaintiff's neighbor who lived at an adjoining property, 1211 West Tioga Street.

8. After arresting Mr. Shaw, defendant, Cudjik entered upon plaintiff's porch for no apparent reason and without any warrant. At that time defendant, Cudjik was in plainclothes and had driven to Mr. Shaw's house in an unmarked vehicle with another individual also in plainclothes.

9. Plaintiff's son Danton came from the street to see the cause of the commotion and to protect his mother.

10. Another plainclothes police officer, believed to be defendant Cudjik's partner tackled Danton. Both police officers entered plaintiff's home. The unauthorized entry into plaintiff's home without a warrant and without probable cause is in violation of the United States Constitution, Fourth and Fourteenth Amendments, as well as protection against unlawful search

provided by the Constitution of the Commonwealth of Pennsylvania.

11. A female officer, together with other police officers arrived in police vehicles and commenced a search of plaintiff's home. The unauthorized entry into plaintiff's home and the unlawful search without a warrant and without probable cause in violation of the United States Constitution, Fourth and Fourteenth Amendments, as well as protection against unlawful search provided by the Constitution of the Commonwealth of Pennsylvania.

12. The unauthorized entry into plaintiff's home and the unlawful search of plaintiff's home contravened plaintiff's civil rights, in violation of 42 U.S.C. Section 1983, in that plaintiff was deprived of her liberty under color of state law by state actors, as more fully alleged hereafter.

13. The female police officer previously called "Jane Doe" and subsequently identified as Corporal Palma observed plaintiff's medication for Multiple Sclerosis called Betaseron, which is packaged in 14 syringe vials with needles to dispense the medication, plainly labeled as medication, a copy of which is attached hereto and marked Exhibit "A".

14. Thereafter, the female police officer told plaintiff that she was dealing heroin. Said defendant reached into plaintiff's brassiere, groped her breasts and removed cash rolled up in twenty dollar bills, which was lawfully owned and possessed by plaintiff.

15. Said defendant removed \$344.00 that plaintiff had in one brassiere cup and \$634.00 from the other brassiere cup. Both times the officer found cash as aforesaid she exclaimed "BINGO". Said police officer ignored and refused to accept plaintiff's explanation that the \$344.00 was money plaintiff lawfully owned and possessed by cashing her welfare check earlier that same day, and that \$634.00 was money plaintiff obtained the previous day, July 1, 2008 by cashing her SSI monthly payment at a check cashing agency, and that no monies were proceeds of illegal drug transactions.

16. Defendant, police officer Cudjik was present in plaintiff's residence, observed the clearly marked medication, but did nothing to restrain his fellow police officer from physically assaulting plaintiff.

17. Notwithstanding receipt of \$978.00, defendants Cudjik and "Doe" completed a property report dated July 3, 2010 falsely stating that they obtained \$344.00 from plaintiff's person as "Narcotics Evidence". A true copy of the Property Report is attached hereto and marked Exhibit "B".

18. At all times material to plaintiff's causes of action herein alleged, defendants Cudjik, Palma and other police officers who arrived at plaintiff's residence acted under the direction, control and supervision of defendant, Police Commissioner Sylvester Johnson.

19. At all times material to plaintiff's causes of action herein alleged, defendant City of Philadelphia knowingly and intentionally encouraged and/or tolerated violations of the civil rights of civilians, particularly African American and Hispanic minorities, notwithstanding previous lawsuits complaining of policies permitting illegal activities by police officers and their supervisors, hundreds of thousands of dollars awarded as damages for civil rights violations and consent judgments prohibiting such activities.

20. Defendants, Commissioner Johnson, his predecessors and the City of Philadelphia adhered to policies, practices and long-standing customs that cause civilians to be deprived of their liberty and property, and in some instances their lives, because of police misconduct under color of state law.

21. As a direct and proximate result of defendants' entry upon plaintiff's premises without probable cause and without a warrant, illegal seizure of plaintiff's property consisting of \$978.00, plaintiff's medication for Multiple Sclerosis and use of excessive force, plaintiff was

deprived of her rights, privileges and immunities secured by the United States Constitution and the Declaration of Rights of the Constitution of the Commonwealth of Pennsylvania under color of state law by state actors, as previously alleged, and in addition plaintiff was falsely arrested, charged with narcotics violations, falsely imprisoned and she was required to appear in court proceedings over a period of time from on or about October 6, 2008 to March 25, 2010 when all charges were withdrawn by the District Attorney.

22. Plaintiff suffered extreme emotional and physical distress proximately caused by the previously alleged events of July 2, 2008, plaintiff's arrest and imprisonment for more than eighteen (18) hours on July 2 and 3, 2008, excessive force to effectuate plaintiff's arrest, the assault and battery upon her person on July 2, 2008, anxiety and stress for a period of 227 days from October 6, 2008 to March 25, 2010 (after excludable time), for judicial proceedings in violation of Pennsylvania Rules of Criminal Procedure, until the charges against plaintiff were withdrawn and dismissed "without prejudice".

23. In addition, defendant, City of Philadelphia instituted a civil forfeiture proceeding against plaintiff, entitled *Commonwealth vs. \$344.00 U.S. Currency* in the Court of Common Pleas for the Philadelphia County, which remains pending despite plaintiff's acquittal of all criminal charges.

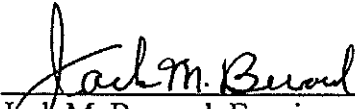
24. As a result of the foregoing plaintiff has been required to retain the services of attorneys to defend both the criminal and civil forfeiture proceedings, and to bring and prosecute this action.

25. Plaintiff is informed and based on said information she believes that prior to and at all times material to plaintiff's causes of action alleged herein, defendants, City of Philadelphia, and Commissioner Johnson had information concerning illegal arrests by defendant, Richard Cudjik

and other illegal activities involving alleged narcotics violations that were unfounded, but failed to take necessary action to restrain said defendant or to remove him from narcotics investigations.

WHEREFORE, plaintiff demands judgment of and from the defendants, individually, jointly and severally for compensatory and punitive damages, each in excess of the sum of Fifty Thousand Dollars (\$50,000.00).

LAW OFFICE OF JACK M. BERNARD

By: 
Jack M. Bernard, Esquire
Attorney for Plaintiff, Althea N. Shynes

October 12, 2010

EXHIBIT "A"

NDC 50419-523-35

14 single-use blister packs

Attention Pharmacist:
Each patient is required to
receive the enclosed
Medication Guide.

BETASERON[®]

[INTERFERON BETA-1b] FOR SUBCUTANEOUS INJECTION

0.3 mg (9.6 million IU) For Subcutaneous Use
Rx Only

NEW Thinner (30-Gauge) Needle

Questions? Contact your 24/7 B.E.T.A. Nurse
1-800-788-1467

www.betaseron.com/thinner

ACRO PHARMACY

313 Henderson Dr.

Sharon Hill, PA 19079

800-906-7798 DEA#: BA8750627 E Nyako, RPHIC

FOR PARENTERAL USE ONLY

W. WU-CHEN, MD

SHYNES, ALTHEA
Rx #: 22239

Date: 01/28/09

Generic: INTERFERON BETA-1B INJ
BETASERON 0.3MG INJ 14 SYR PACK

Qty: 1

Directions:
INJECT 0.3 MG SC EVERY OTHER DAY AS DIRECTED
BY PHYSICIAN

OF REFILLS REMAINING = 5

Storage: Room Temperature

Discard After: 01/28/10 RPh: ENDD

CAUTION: Federal law prohibits transfer of this drug to any
person other than the patient for whom prescribed

R

EXHIBIT "B"

PROPERTY RECEIPT		FROM WHOM TAKEN	AGE	SEX	Nº
<input type="checkbox"/> LOST AND FOUND <input checked="" type="checkbox"/> FOR INVESTIGATION <input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING <input checked="" type="checkbox"/> EVIDENCE		Althea Shynes 7-3-70	37	B/F	2805306
ADDRESS		DATE	TIME	DISTRICT	UNIT
1215 W Tioga St.		7-2-08	8:20PM	NEU	Section 9
OWNER (If Known)		LAB USER FEE REQUESTED		DC NO.	
		<input type="checkbox"/> YES <input type="checkbox"/> NO		08-26-070273	
ADDRESS		SEIZURE NO.			
DEFENDANT'S NAME		BULK OF PROPERTY STORED AT			
Althea Shynes		EVIDENCE			
ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED, INCLUDING THE EXACT LOCATION TAKEN FROM					
1. ITEMS: SEVENTEEN (17) \$20.00 \$340.00 7-23-08 FOUR (4) \$ 1.00 \$ 4.00 ΔNIC TOTALS \$344.00 USC SID: 28256591 PID: 1057582					
2. The above USC was confiscated from the debt at her time of arrest for a narc violation. 3. FIELD TEST: N/A 4. CASE: 03-NEU-1630 5. CHARGES: NI 3164, NI 330F, CC 903 6. 03-DEPT: Pierre Shaw B/M 1211 W Tioga St. 7. ADDITIONAL FR#: 2805303-5307 8. LAB FEE: No					
If the person who took the above amount of money and/or property was taken does not sign below, state reason why:			RECEIVED BY POLICE DEPARTMENT		
PERSON FROM WHOM TAKEN (Signature) <i>[Signature]</i>			Arresting or Receiving Officer: (If personal property for safekeeping, Desk Supervisor is the Receiving Officer)		
WITNESS (Signature) Col Palma 204901 <i>[Signature]</i>			SIGNATURE <i>[Signature]</i>		
BADGE NO. (Type) 8195			BADGE NO. (Type) 3262		
TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR					
I hereby acknowledge receipt of the above listed items.					
RECEIVED JUL 03 2008 <i>[Signature]</i> (Evidence Custodian/Collection)					
CUSTODY OF POLICE DEPARTMENT					
This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.					
DEPOSIT <input type="checkbox"/> Returned to Owner or Agent <input type="checkbox"/> Confiscated by Court <input type="checkbox"/> Destroyed by Order of Court Petition No. _____ <input type="checkbox"/> Escheat to State Escheat List No. _____ <input type="checkbox"/> To Department of Collections <input type="checkbox"/> Other Disposition (Explain): _____			RECEIVED BY (Owner or Agent) OWNER OR AGENT (Signature) WITNESS (Signature) _____ BADGE NO. _____ DATE _____		
ESCROW FUND			RECEIVED BY (Other than Owner of Agent) SIGNATURE AND TITLE _____ WITNESS _____ DATE _____		

VERIFICATION

I, Jack M. Bernard, hereby verify that the statements made in the foregoing *Plaintiff's Amended Complaint* are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of Title 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.


JACK M. BERNARD

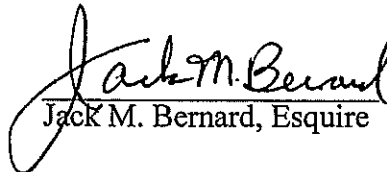
DATED: October 12, 2010

CERTIFICATE OF SERVICE

I, Jack M. Bernard, Esquire, hereby certify that a true copy of the foregoing *Plaintiff's Amended Complaint*, was served electronically upon the Prothonotary's office on the date of filing of this document. If the ECF system indicates that counsel is being served electronically, such service will be deemed to comply with the ECF system. If the ECF system indicates that counsel is not an ECF user, a true and correct copy of this filing will be delivered by U.S.P.S., first class mail, postage prepaid on the date the Notice of Filing and Acceptance is generated by the ECF system upon the below listed:

Margaret M. Fenerty, Esquire
City of Philadelphia
Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

October 12, 2010


Jack M. Bernard, Esquire

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1215 West Tioga Street, Philadelphia, PA 19140

Address of Defendant: Law Department, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒
RELATED CASE IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

- Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
- Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
- Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

- ☐ Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ FELA
- ☐ Jones Act – Personal Injury
- ☐ Antitrust
- ☐ Patent
- ☐ Labor-Management Relations
- ☒ Civil Rights
- ☐ Habeas Corpus
- ☐ Securities Act(s) Cases
- ☐ Social Security Review Cases
- ☐ All Other Federal Questions Cases (Please specify)

B. Diversity Jurisdiction Cases:

- ☐ Insurance Contract and Other Contracts
- ☐ Airplane Personal Injury
- ☐ Assault, Defamation
- ☐ Marine Personal Injury
- ☐ Motor Vehicle personal Injury
- ☐ Other Personal Injury (Please specify)
- ☐ Products Liability
- ☐ Products liability - Asbestos
- ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Margaret Fenerty, counsel of record do hereby certify:

- ☒ Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 10/19/2010

Margaret Fenerty
Attorney-at-Law

39409
Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/19/2010

Margaret Fenerty
Margaret Fenerty, Esquire
Attorney-at-Law

39409
Attorney I.D. #

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Althea N. Shynes

Civil Action

v. City of Philadelphia; P/O Johnson; P/O Cudjik

No.

CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through § 2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

10/19/2010

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Date

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